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8 Attorney for Defendants  
9 ALLIED PROPERTY AND CASUALTY  
10 INSURANCE COMPANY, AMCO INSURANCE  
11 COMPANY, and NATIONWIDE MUTUAL  
12 INSURANCE COMPANY

13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA  
15 SAN DIEGO DIVISION

16 1800 SOUTH MAPLE STREET, LLC, a  
17 California Limited Liability Company;  
18 RALPH J. GIANNELLA, an individual;  
19 GIANNELLA PROPERTIES, INC., a  
20 California Corporation; WILLIAM G.  
21 AYYAD, an individual; WILLIAM G.  
22 AYYAD, INC., a California Corporation;  
23 an PREMIER COMMUNITIES, LLC, a  
24 California Limited Liability Company,

25 Plaintiff,

26 vs.

27 ALLIED PROPERTY AND  
28 CASUALTY INSURANCE COMPANY,  
an Iowa Corporation; AMCO  
INSURANCE COMPANY, an Iowa  
Corporation; NATIONWIDE MUTUAL  
INSURANCE COMPANY, an Ohio  
Corporation, and DOES 1 to 100,  
inclusive,

Defendants.

CASE No. 07-CV-2030

**JOINT MOTION TO CONTINUE EARLY  
NEUTRAL EVALUATION CONFERENCE  
AND [PROPOSED] ORDER**

Action Filed: September 10, 2007

1  
2 Plaintiffs 1800 SOUTH MAPLE STREET, LLC, RALPH J. GIANNELLA,  
3 GIANNELLA PROPERTIES, INC., WILLIAM G. AYYAD, WILLIAM G. AYYAD, INC., and  
4 PREMIER COMMUNITIES, LLC (hereinafter "Plaintiffs") and Defendants ALLIED  
5 PROPERTY AND CASUALTY INSURANCE COMPANY, AMCO INSURANCE  
6 COMPANY, and NATIONWIDE MUTUAL INSURANCE COMPANY (hereinafter  
7 "Defendants"), by their undersigned attorneys, respectfully request this Court to continue the  
8 Early Neutral Evaluation Conference ("ENE Conference") set for December 4, 2007. Neither  
9 Plaintiffs or Defendants have sought or obtained any previous extensions of time. Such an  
10 extension is timely and is necessary for the following reasons:

11 i. The representative for Defendant Nationwide Mutual Insurance Company  
12 with full settlement authority has a prior engagement she must attend to on December 4, 2007,  
13 and cannot be present in person at the scheduled ENE Conference. Howard M. Garfield  
14 Declaration in Support of Joint Motion to Continue ENE Conference, 2:8-10 (hereinafter  
15 "Garfield Dec.").

16 ii. Defendants' principal attorney responsible for this litigation, Howard M.  
17 Garfield, has a binding arbitration scheduled for the following week. In preparation for  
18 arbitration, Mr. Garfield has scheduled to meet and prepare his witnesses during the entire week  
19 of December 4, 2007, including the day at issue. It would be a great hardship for him to attend  
20 the scheduled ENE Conference and would disadvantage his client in that proceeding. Garfield  
21 Dec., 2:11-14.

22 Continuation of the conference based on these two reasons is consistent with Rule  
23 16.1(c)(1). All parties have agreed to continue the conference and respectfully request that it be  
24 set for January 16, 2008, when all parties and attorneys can be present.

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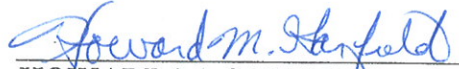
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WHEREFORE, Plaintiffs and Defendants respectfully request a continuance of the  
December 4, 2007 Early Neutral Evaluation Conference until January 16, 2008.

Dated: November 26, 2007

LONG & LEVIT LLP

By

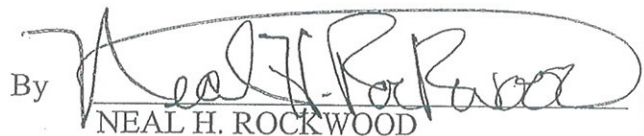


HOWARD M. GARFIELD  
Attorney for Defendants  
ALLIED PROPERTY AND  
CASUALTY INSURANCE  
COMPANY, AMCO INSURANCE  
COMPANY, and NATIONWIDE  
MUTUAL INSURANCE COMPANY

Dated: November 23, 2007

ROCKWOOD & NOZISKA LLP

By



NEAL H. ROCKWOOD  
Attorney for Plaintiffs  
1800 SOUTH MAPLE STREET, LLC,  
RALPH J. GIANNELLA, GIANNELLA  
PROPERTIES, INC., WILLIAM G.  
AYYAD, WILLIAM G. AYYAD, INC.,  
and PREMIER COMMUNITIES, LLC

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ORDER

Having considered Plaintiffs and Defendants' Joint Motion to Continue the Early  
Neutral Evaluation Conference, and finding good cause therefor,

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be  
held on January 16, 2008 at 2:00 p.m. in the Chambers of Magistrate Judge Nita L. Storms,  
United State Courthouse, 940 Front Street, Room 1118, San Diego, California 92101.

Dated: November \_\_, 2007

By

UNITED STATES MAGISTRATE  
JUDGE

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